

JUN 23 1975

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PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 21, 1975

As provided under the provisions of Section 14, Article IV, Constitution of the State of Texas, I disapprove of S.B. 172, passed by the 64th Legislature, Regular Session, 1975, and hereby file such Bill with the Secretary of State, State of Texas, setting forth the following objections:

S.B. 172 would require each state and local governmental entity to provide for the legal defense of any peace officer employed by it who is sued for damages for an act committed in the line of duty. The bill limits the assistance of the state or local governmental entity to providing representation in the lawsuit, and expressly provides that the governmental entity is not responsible for the payment of any damages that are adjudged against the officer.

In an important respect, this bill directly conflicts with S.B. 704, which passed both houses of the legislature and was approved by me before S.B. 172 reached the Governor's Office. S.B. 704 had the required number of votes in each house to take immediate effect, and is now law.

S.B. 704 requires the state to defend any officer or employee of the Texas Department of Mental Health and Mental Retardation, Texas Department of Corrections, State Military Forces, Texas Youth Council, State Department of Health, State Commission for the Blind, Texas Rehabilitation Commission, and Texas Department of Public Safety, as well as those employees of state-supported institutions of higher education who are involved in health related activities, in damage suits against them for acts committed in the line of duty. However, it differs from S.B. 172 in that it also requires the state to indemnify the officer or employee for any damages adjudged against him or her that are not covered by insurance. In this latter respect the bills are in irreconcilable conflict in their application to a large number of state employed peace officers, including those peace officers of the Texas Department of Public Safety. If S.B. 172 were approved, these state

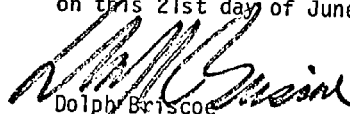
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peace officers might be denied the indemnification protection given them by S.B. 704.

Also, S.B. 172 applies not only to state agencies but to all entities of local government as well, including cities, towns, counties, school districts, and special districts. It is my feeling that further study of the fiscal impact of this sort of legislation on local governments should be undertaken before legislation on the subject is adopted.

S.B. 172 was received in the Governor's Office less than ten (10) days prior to the adjournment of the regular session of the Sixty-fourth Legislature, and in accordance with the Constitution of the State of Texas, this bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, on this 21st day of June, 1975.


Dolph Briscoe
Governor of Texas

Secretary of State